

### **REMARKS**

Initially, Applicants have requested that the enclosed Fig. 17 be entered and included to the drawings of record, namely Figs. 1-16. It is respectfully submitted that the enclosed Fig. 17 is not new matter and can be added pursuant to MPEP §608.02(a).

More particularly and to provide the Examiner with the proper background for Applicant's request for the Examiner to enter Fig. 17, on November 14, 2001 Applicant filed the above-identified continuation application claiming the benefit of priority to U.S. Patent Application Serial No. 09/591,328 filed on June 9, 2000. This application, in turn, claims the benefit of priority to U.S. Patent Application Serial No. 08/925,805 filed on September 9, 1997 (now U.S. Patent No. 6,267,761).

Applicant mistakenly did not include a copy of the Fig. 17 drawing page with the filing on November 14, 2001 even though the presently-filed continuation application was intended to be a complete copy of the original, parent application filed on September 9, 1997. Applicant subsequently received a Notice of Omitted Item(s) in a Non-provisional Application on December 6, 2001.

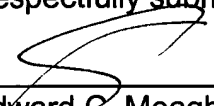
Applicant filed a Petition on February 6, 2002 seeking to have the Notice of Omitted Items withdrawn. On August 23, 2002, Applicant's Petition was dismissed. However, the Petitions Office recommended that Applicant file an amendment pursuant to MPEP §608.02(a) seeking to enter the missing Fig. 17 to the drawings of record. New drawings may be entered by the examiner without a petition so long as the drawings do not contain new matter. For the reasons set forth below, it is respectfully submitted that the graphs shown in Fig. 17 do not contain new matter

Initially, Applicant respectfully submits that even though the Fig. 17 drawing page was not included with the filing papers on November 14, 2001 for the above application, the Fig. 17 drawing page is still, in fact, part of the present disclosure since the Fig. 17 drawing was included with the filing of the original parent application, namely, U.S. Application Serial No. 08/925,805 filed on September 9, 1997 (now U.S. Patent No. 6,267,761). Further, it is respectfully submitted that Fig. 17 does not represent new matter since a thorough description of the subject graphs of Fig. 17 which display the voltage, current, impedance, power and energy at activation is contained in the specification on page 8, lines 22-23 and page 14, lines 8-21. Moreover, even the ranges for the voltage, impedance, energy and contact impedance which are identified on the graphs are described on page 14, lines 8-21.

It is therefore respectfully submitted that Fig. 17 does not include new matter and, as such, Fig. 17 can be entered pursuant to MPEP §608.02(a).

If the Examiner has any questions or comments relating to entering Fig. 17 into the record, the Examiner is respectfully invited to contact Applicant's attorney-of-record at the phone number identified below.

Respectfully submitted,



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Enclosure:            Fig. 17